

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:02CR21
)	
Plaintiff,)	
)	ORDER NUNC PRO TUNC
vs.)	
)	
SAMSON ALDACO,)	
)	
Defendant.)	

This matter is before the Court pursuant to the March 7, 2005, hearing held before me upon the Defendant's return to this District after his mental evaluation performed through the Bureau of Prisons.

On September 23, 2004, defense counsel's request for a mental evaluation of Aldaco through the Bureau of Prisons was granted.¹ (Filing No. 218, 219.) An exclusion of speedy trial was included in a written order, pending the determination of Aldaco's competency. (Filing No. 219.) On March 7, 2005, I held a competency hearing and found Aldaco competent to stand trial and assist in his defense. I supplement that conclusion now in writing, find the following, nunc pro tunc, by a preponderance of the evidence: the Defendant, Samson Aldaco, is not "presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(d). In short, I conclude that Aldaco is competent to stand trial and to assist in his defense.

¹The request was presented in an appeal (Filing No. 215) from the Magistrate Judge's order denying an evaluation (Filing No. 213).

IT IS ORDERED that the Defendant, Samson Aldaco, is not "presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense" and therefore is competent to stand trial and assist in his defense.

DATED this 19th day of April, 2005.

BY THE COURT:

s/Laurie Smith Camp
Laurie Smith Camp
United States District Judge